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# Security Council

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**Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea**

## Letter dated 13 November 2006 from the Permanent Representative of Finland to the United Nations addressed to the Chairman of the Committee

On behalf of the European Union (EU), I would like to congratulate you on your election as Chairman of the Security Council Committee established pursuant to resolution 1718 (2006). Pursuant to paragraph 11 of Security Council resolution 1718 (2006), the Finnish presidency of the European Union has the honour to submit to the Security Council the following information concerning the steps taken by the EU with a view to implementing effectively the provisions of paragraph 8 of the said resolution.

In its conclusions adopted on 17 October 2006, the Council of the European Union confirmed that the EU will fully implement the provisions of all relevant Security Council resolutions, and notably of Security Council resolution 1718 (2006), adopted on 14 October 2006, and of resolution 1695 (2006), adopted on 15 July 2006. The Council expressed that it shall immediately take the necessary steps to that end.

The EU initiated immediately the preparation of legal instruments implementing the provisions of paragraph 8 of Security Council resolution 1718 (2006). The preparations are under way to adopt without delay a Council Common Position and a Council Regulation. Further information will be provided to the Security Council, once the Common Position and Regulation have been adopted.

This letter is without prejudice to the measures taken nationally by EU member States.

(*Signed*) Kirsti **Lintonen**
Ambassador
Permanent Representative

06-63693 (E) 051206

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# Security Council

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**Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea**

## Note verbale dated 13 November 2006 from the Permanent Mission of the Republic of Korea to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Korea to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and, with reference to the latter's note dated 1 November 2006, has the honour to submit the report on the steps that the Republic of Korea has taken with a view to implementing resolution 1718 (2006) (see annex).

06-63724 (E) 121206

**Annex to the note verbale dated 13 November 2006 from the Permanent Mission of the Republic of Korea to the United Nations addressed to the Chairman of the Committee**

# Report of the Republic of Korea on the Implementation of United Nations Security Council Resolution 1718 (2006)

## I. Introduction

- The government of the Republic of Korea (ROK) is committed to faithfully implementing United Nations Security Council Resolution (UNSCR) 1718 and to rendering full cooperation to the Committee established pursuant to OP 12 of the Resolution.

- Prior to the adoption of UNSCR 1718, the ROK government already had in place a range of legislative and executive measures that ensure compliance with the requirements of UNSCR 1718. In addition, it has been conducting a thorough review of its policies with a view to identifying further steps that may be needed to ensure full implementation.

- For that purpose, the ROK government established an Inter-Ministerial Task Force comprising 14 ministries and government agencies co-chaired by the Deputy Minister for Policy Planning and International Organizations of the Ministry of Foreign Affairs and Trade and the Deputy Minister for Unification Policy and Public Relations of the Ministry of Unification. Beginning with its first meeting on 24 October, the Task Force has convened on a regular basis to collect information on the various measures that the respective ministries and agencies are taking in relation to UNSCR 1718 as well as to identify loopholes in the implementation system and find ways to better implement UNSCR 1718.

## II. Export Control System of the Republic of Korea

◆ The Republic of Korea is a member of all international non-proliferation and export control regimes relating to nuclear, chemical and biological weapons, missiles and conventional weapons, such as the Nuclear Suppliers Group (NSG), the Missile Technology Control Regime (MTCR), the Australia Group (AG), the Zangger Committee (ZC) and the Wassenaar Arrangement (WA). Through participation in these multilateral regimes the ROK has been implementing strict export and import controls over WMD, missiles, other weapons and related materials in conformity with international standards.

Table 1. ROK's Membership in Export Control Regimes

| Export Control Regime | Nuclear Suppliers Group (NSG) | Zangger Committee (ZC) | Australia Group (AG) | Missile Technology Control Regime (MTCR) | Wassenaar Arrangement (WA) |
|---|---|---|---|---|---|
| Year of Accession | 1995 | 1995 | 1996 | 2001 | 1996 |

◆ Major laws and regulations on export controls include the *Foreign Trade Act, Technology Development Promotion Act, Atomic Energy Act, Defence Industry Act, South-North Exchanges and Cooperation Act,* and their related regulations. *The Combined Notice of Export/Import of Strategic Items and Technologies* covers all controlled items from the five multilateral export control regimes, and provides for detailed export control regulations, specification of controlled items, and guidelines for catch-all controls.

Table 2. Export Control-Related Laws

| Laws | Controlled Items | Licensing Authorities |
|---|---|---|
| Foreign Trade Act | • Dual-use items<br>• NSG Part II items | Ministry of Commerce, Industry and Energy (MOCIE) |
| Technology Development Promotion Act | • Technology Transfer | Ministry of Science and Technology (MOST) |
| Atomic Energy Act | • NSG Trigger List items (items specially designed or produced for nuclear use) | Ministry of Science and Technology (MOST) |
| Defence Industry Act | • Munitions | Defence Acquisition Program Administration (DAPA) |
| South-North Exchanges and Cooperation Act | • Items and technologies traded between South and North Korea | Ministry of Unification (MOU) |

◆ The ROK government established its export control system for strategic items in 1992. The system has been strengthened and expanded over the years. Since January 2003, the catch-all system, which controls the export of non-controlled items and technologies that could be used for the development of weapons of mass destruction, has been in force. Furthermore, a comprehensive revision of the *Foreign Trade Act* was undertaken in September 2003, and the *Combined Notice of Export/Import of Strategic Items and Technologies* was wholly amended in October 2004 so as to fully meet international levels.

◆ In light of the increasing importance of the issue worldwide, the Ministry of Commerce, Industry and Energy (MOCIE) established the Strategic Items Control Division in February 2004 to reinforce the export control of strategic items.

◆ Furthermore, the Strategic Trade Information Center (STIC), a special organization affiliated with the Korea International Trade Association, was established in August 2004 to assist companies in the conduct of business related to strategic items. The STIC is entrusted by the government with the task of conducting preliminary reviews of strategic items. The Center operates an on-line Strategic Trade Information System jointly with MOCIE to assist companies in exercising voluntary export controls by providing relevant information on-line regarding preliminary reviews, export licensing procedures, global trends and domestic regulations governing strategic items.

- To strengthen the controls on sensitive technology, the Ministry of Science and Technology is currently revising the *Technology Development Promotion Act* and its related decree to provide a legal basis for controlling intangible technology transfers (ITT). The revision is expected to come into force by June 2007.

## III. Export Control with regard to the DPRK

- ROK nationals are generally prohibited from supplying and transferring commodities as well as weapons to the Democratic People's Republic of Korea (DPRK) based on the *National Security Act* which has been in force since December 1948.

- However, since 1990 the ROK government has allowed commodities to be taken out to the DPRK with the permission of the Minister of Unification when deemed necessary for the promotion of mutual exchanges and cooperation between South and North Korea. In order to regulate related procedures, the *South-North Exchanges and Cooperation Act* and its related decree and regulation were enacted in August 1990.

- Pursuant to the *South-North Exchanges and Cooperation Act*, its related decree and regulation, the approval of the Minister of Unification is required to take controlled items out to the DPRK. If a person obtains approval to take out strategic items to the DPRK in a fraudulent or dishonest manner or takes them out without approval, he or she is subject to imprisonment of up to three years or a fine of up to ten million won, which is equivalent to US$ 11,000.

- For non-listed items, the ROK government has applied catch-all controls. For example, in 2005 it refused to approve the transfer of 26 items, including fermenters and freeze-drying equipment, requested by the DPRK in relation to their efforts to prevent the spread of Avian Influenza, in light of the possibility of the conversion of the items for WMD use.

- Furthermore, the ROK government has imposed stricter customs control on items taken out to the DPRK. The *Public Notice on Customs Clearance in South-North Trade* gives clear guidance in this regard.

## IV. Implementation

*OP.8 (a) All Member States shall prevent the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of:*

*(i) Any battle tanks, armoured combat vehicles, large caliber artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register on Conventional Arms, or related material including spare parts, or items as determined by the Security Council or the Committee established by paragraph 12 below (the Committee);*

*(ii) All items, materials, equipment, goods and technology as set out in the lists in documents S/2006/814 and S/2006/815, unless within 14 days of adoption of this resolution the Committee has amended or completed their provisions also taking into account the list in document S/2006/816, as well as other items, materials, equipment, goods and technology, determined by the Security Council or the Committee, which could contribute to DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes;*

*(iii) Luxury goods;*

*(b) The DPRK shall cease the export of all items covered in subparagraphs (a) (i) and (a) (ii) above and that all Member States shall prohibit the procurement of such items from the DPRK by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of the DPRK;*

**(Action taken and/or to be taken)**

**- Controlled Items**

◆ To control the items specified in UNSCR 1718, the Ministry of Unification is revising its *Public Notice of the List of Goods for Approval for Taking-to or Bringing-from the DPRK*, and the *Public Notice on the List of Goods Banned for South-North Visitors and the Disposal of Such Goods*. The Ministry of Construction and Transportation will also incorporate the controlled items under UNSCR 1718 into the list of prohibited items in the *Guidelines on Approval of Aircraft Passing through the Territorial Airspace* under the *Aviation Act*.

◆ The Ministry of Unification is also drawing up a list of luxury goods. Once the list is finalized, the Ministry will revise the above-mentioned Public Notices.

o The main items brought in from the DPRK to the ROK are currently agricultural and fishery products, and metal products, while those taken to the DPRK are principally textile goods, and agricultural and fishery products.

**- Strengthened Customs Clearance Procedure**

◆ Following the adoption of UNSCR 1718, the ROK government is in the process of strengthening the customs clearance procedure under the *Public Notice on Customs Clearance in South-North Trade* in order to ensure that no controlled items will be taken out to the DPRK. In this regard, emphasis will be put on those commodities taken to the DPRK through land routes.

**- Prevention of Supply, Sale or Transfer by ROK Nationals**

◆ In order to prevent trade in items prohibited by UNSCR 1718, the Ministry of Unification will strictly enforce the requirement of prior permission for nationals of the ROK wishing to contact a national or an entity of the DPRK or visit the DPRK.

o Under the *South-North Exchanges and Cooperation Act*, to contact any DPRK national, an ROK national must report to the Minister of Unification in advance indicating the details of that contact. A national of the ROK or the DPRK must obtain permission from the Minister of Unification to visit the other side.

◆ The Ministry of Commerce, Industry and Energy (MOCIE) is presently in the process of revising the *Foreign Trade Act* in order to have the brokering of controlled items subject to the prior approval of the government.

◆ Additionally, the persons and entities to be designated by the 1718 Committee pursuant to OP 8(d) will be added to the MOCIE's *Database List of Persons and Entities Not Suitable for Export of Strategic Items*.

**- Prevention of Supply, Sale or Transfer through ROK Territory**

◆ There is no air route that allows airplanes to fly from or to the DPRK through any part of the territorial airspace of the Republic of Korea. An aircraft which arrives from or departs for the DPRK, suspected of carrying controlled items pursuant to UNSCR 1718, will not be allowed to fly through the territorial airspace of the ROK.

◆ Regarding a vessel of a third country which is in the territorial waters of the ROK and suspected of carrying controlled items as designated by OP 8(a) of UNSCR 1718, the ROK government will take relevant action according to the *Territorial Sea and Contiguous Zone Act*.

*OP 8 (c) All Member States shall prevent any transfers to the DPRK by their nationals or from their territories, or from the DPRK by its nationals or from its territory, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items in subparagraphs (a)(i) and (a)(ii) above;*

**(Action taken and/or to be taken)**

- The ROK government is currently revising the *Regulation on South-North Economic Cooperative Projects* and the *Regulation on South-North Socio-Cultural Cooperative Projects* to prevent any transfers of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items in OP 8(a)(i) and OP 8(a)(ii).

- The ROK government will reinforce its review process with regard to the requirement of prior permission for ROK nationals wishing to contact a national or entity of the DPRK or visit the DPRK under the *South-North Exchanges and Cooperation Act*.

  - Prior to their departure for the DPRK, the Ministry of Unification briefs visitors on activities prohibited during their stay in the DPRK.

*OP 8 (d) All Member States shall, in accordance with their respective legal processes, freeze immediately the funds, other financial assets and economic resources which are on their territories at the date of the adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons or entities designated by the Committee or by the Security Council as being engaged in or providing support for, including through other illicit means, DPRK's nuclear-related, other weapons of mass destruction-related and ballistic missile-related programmes, or by persons or entities acting on their behalf or at their direction, and ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of such persons or entities;*

**(Action taken and/or to be taken)**

- The ROK government has drafted a new integrated public notice and is ready to take necessary action in accordance with OP 8(d) of UNSCR 1718 once the 1718 Committee or the Security Council designates the persons or entities under OP 8(d).

*OP 8 (e) All Member States shall take necessary steps to prevent the entry into or transit through their territories of the persons designated by the Committee or by the Security Council as being responsible for, including through supporting or promoting, DPRK policies in relation to the DPRK's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, together with their family members, provided that nothing in this paragraph shall oblige a state to refuse its own nationals entry into its territory;*

**(Action taken and/or to be taken)**

**- DPRK Nationals**

◆ For ROK nationals, contact with DPRK nationals or visits to the DPRK are generally prohibited under the *National Security Act*. For nationals of the DPRK, the ROK government controls entry into the territory of the ROK through the review of applications for a visit permit.

o ROK nationals crossing the border to the DPRK and DPRK nationals crossing over to the ROK with the visit permits are subject to border screening procedures under the *South-North Exchanges and Cooperation Act*.

**- Foreigners**

◆ The ROK government will revise the *Entry Control List* of the *Immigration Control Act* so that foreigners to be designated as persons stipulated in OP 8(e) are denied entry into or transit through the territory of the Republic of Korea.

> *OP.8 (f) In order to ensure compliance with the requirements of this paragraph, and thereby preventing illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials, all Member States are called upon to take, in accordance with their national authorities and legislation, and consistent with international law, cooperative action including through inspection of cargo to and from the DPRK, as necessary;*

**(Action taken and/or to be taken)**

**- Inspection of Land Cargo**

◆ The ROK government has been inspecting cargo going to or coming from the DPRK in accordance with the *Public Notice on Customs Clearance in South-North Trade*.

◆ Following the adoption of UNSCR 1718, emphasis will be put on those commodities taken to the DPRK through land routes.

**- Inspection of Sea Cargo**

◆ As a peace regime has not yet been established on the Korean Peninsula following the end of the Korean War, the ROK government does not recognize the right of innocent passage in its territorial waters for DPRK vessels, either commercial or non-commercial, except for those granted permission under the *South-North Agreement on Maritime Transportation* (hereinafter referred to as "the *Agreement*").

◆ Maritime transportation between the ROK and the DPRK is currently governed by the above-mentioned bilateral *Agreement* which entered into force on August 1, 2005. Through the *Agreement*, the ROK and the DPRK have designated sea lanes between some ports of the two sides, allowed vessels of one side to navigate in the sea lanes with prior permission from the other side, and given commercial vessels of the other side the same treatment in their ports as they grant to their own vessels. The sea lanes thus designated in the *Annex to the Agreement* lie well beyond the

outer limits of either side's territorial seas except for the Jeju Channel between the Korean Peninsula and Jeju Island, where a sea lane of approximately 41 miles cuts through the territorial waters of the Republic of Korea.

◆ Pursuant to the *Annex to the Agreement*, DPRK vessels which plan to navigate through the maritime areas under ROK control shall submit an Application Form for Navigation (indicating the names of the crew and passengers as well as a list of the cargo) to the ROK maritime authorities three days prior to their departure (Article 1 (1) of the *Annex*). During their passage through the waters under ROK control, such DPRK vessels shall not engage in, inter alia, transportation of "weapons or any parts thereof" or "undermine peace, public order or security of the other Party by acts irrelevant to the navigation" (Article 2 (6) of the *Annex*). Pursuant to the *Agreement*, any vessel in breach of Article 2 (6) of the *Annex*, refusing to respond to radio enquiries or suspected of fleeing or undertaking any unauthorized deviation from designated sea lanes may be subject to such measures as stopping, boarding or inspecting for verification by the maritime authorities (Article 2 (8) of the *Annex*). If the vessel in question is found to have violated the *Annex*, the maritime authorities may caution the vessel, take corrective actions, or demand that the vessel leave the sea lane immediately (Article 2 (9) of the *Annex*).

◆ Bearing in mind the letter and spirit of UNSCR 1718, the ROK government is committed to not granting a navigation permit under the *South-North Agreement on Maritime Transportation* to any DPRK vessel carrying on board or suspected of carrying any items prohibited under UNSCR 1718.

◆ Consistent with the *Agreement* and its *Annex*, the ROK authorities stand ready to take any necessary steps, including stopping, boarding, and inspecting of any DPRK vessel passing through ROK-controlled maritime areas which has been granted a permit under the *Agreement* but is suspected of breaching the *Agreement*, in particular by shipping weapons or their parts. If the ship is found to be carrying weapons and/or their parts, or is in any other violation of the *Agreement*, the ROK authorities will take all necessary measures as appropriate to the specific circumstances, in accordance with the *Agreement*. //End//

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## Letter dated 13 November 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Singapore to the United Nations addressed to the Chairman of the Committee

Please refer to your letter dated 1 November 2006 requesting Member States to inform the Security Council on the steps they have taken to implement the provisions of paragraph 8 of Security Council resolution 1718 (2006). In this regard, I am pleased to submit the national report of Singapore on the implementation of Security Council resolution 1718 (2006) (see annex).

(*Signed*) Kevin **Cheok**
Chargé d'affaires a.i.

06-63757 (E) 121206

**Annex to the letter dated 13 November 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Singapore to the United Nations addressed to the Chairman of the Committee**

1 Singapore supports United Nations Security Council Resolution 1718 imposing sanctions on the Democratic People's Republic of Korea. In this regard, Singapore has the relevant legislative framework that will enable us to meet our obligations under Resolution 1718.

**National legislative measures**

2 Singapore has in place various legislative measures to impose the sanctions stipulated under Resolution 1718. These are the Strategic Goods (Control) Act, the Regulation of Imports and Exports Act, the Arms and Explosives Act, the United Nations Act, the Monetary Authority of Singapore Act, the Merchant Shipping Act and the Immigration Act.

3 Through these legislative measures (to be described in greater detail below) Singapore is able to implement the various provisions of Resolution 1718 in the following manner:

OP 8(a) – through a combination of the United Nations Act, the Strategic Goods (Control) Act, the Regulation of Imports and Exports Act, the Arms and Explosives Act and the Merchant Shipping Act;

OP 8(b) – through a combination of the United Nations Act, Regulation of Imports and Exports Act and the Merchant Shipping Act;

OP 8(c) – through the United Nations Act;

OP 8(d) – through a combination of the United Nations Act and the Monetary Authority of Singapore Act; and

OP 8(e) – through the Immigration Act.

**Strategic Goods (Control) Act**

4 As part of its efforts to help curb the proliferation of weapons of mass destruction, Singapore implemented in January 2003 a robust and enhanced export control system that would support global efforts to curb the proliferation of weapons of mass destruction. The Strategic Goods (Control) Act regulates the export, re-export, trans-shipment and transit of goods related to weapons of mass

destruction, as well as controls on brokering and Intangible Transfers of Technology (ITT), which is a unique feature yet to be implemented in many export control systems in the world. Most importantly, there is a catch-all provision that allows Singaporean authorities to enforce export control laws on items that are intended for weapons of mass destruction end use but have not been included in the control list. Wide powers are also given to law enforcement officers for arrest, search and seizure. The Act imposes heavy penalties for parties involved in transferring or brokering the transfers of strategic goods or technology. A first-time offender can be subjected to a maximum fine of S$ 100,000 (or even more, depending on the value of the goods or technology concerned) or a maximum sentence of two years' imprisonment, or both.

5 Singapore Customs is the National Authority for the implementation of the Strategic Goods (Control) Act. Singapore Customs processes all permit applications, registers and audits arms brokers, conducts industry outreach and public awareness programmes and enforces the Act and its Regulations on violations of strategic goods control. Enforcement is based on both timely and reliable intelligence and risk management assessment.

6 Singapore is continually monitoring its system and will make further refinements to it, be they in terms of control lists or procedures, where necessary. In this regard, Singapore has decided to expand our strategic goods control lists to include all items from the four multilateral non-proliferation regimes - the Australia Group, the Wassenaar Arrangement, the Nuclear Suppliers Group and the Missile Technology Control Regime - with effect from January 2008. Singapore Customs has been conducting regular outreach sessions to educate industries on the Singaporean strategic goods control system. Participants are reminded of the need to exercise due diligence, particularly with regard to goods originating from or destined to the countries and entities that are listed in the lists compiled under the relevant Security Council resolutions.

7 Specifically, the Strategic Goods (Control) Act allows Singapore to implement the sanctions at paragraph 8(a)(i) and 8(a)(ii) of Resolution 1718 by controlling the export, re-export, trans-shipment and transit of items specified in these paragraphs to the DPRK, through our territories, or of any other items that could contribute to the DPRK's nuclear related, ballistic missile-related or other WMD-related programmes.

**Regulation of Imports and Exports Act**

8 The Regulation of Imports and Exports Act and its Regulations provide the framework under which Singapore regulates and controls general imports and exports. It also regulates controls on countries under Security Council embargo

and certification of the Import Certificate and Delivery Verification system which regulates controlled items from originating countries for end-users in Singapore.

9 Specifically, the Regulation of Imports and Exports Act and Regulation will allow Singapore to implement the sanctions at paragraph 8(a) and 8(b) by controlling the import and export of items specified in these paragraphs.

**Arms and Explosives Act**

10 The Arms and Explosives Act provides the framework for Singapore to regulate the manufacture, use, sale, storage, transport, importation, exportation and possession of any arms and explosives in the implementation of OP8(a) of the Resolution.

**United Nations Act**

11 The UN Act was enacted in October 2001 to enable the Singapore Government to give effect to binding decisions of the United Nations Security Council through secondary legislation, in areas not covered by existing legislation, without the need to enact additional primary legislation. Regulations made under this Act have force of law and entail criminal penalties, notwithstanding anything to the contrary in any other law apart from the Singapore Constitution. These Regulations apply to all persons and entities in Singapore and Singapore citizens outside Singapore.

12 A new Regulation under the United Nations Act, currently in draft form, will criminalise the supplying, selling or transferring to the DPRK, whether directly or indirectly, of any of the items in OP 8(a) of the Resolution by persons or entities in Singapore and, Singapore citizens outside Singapore or by using Singapore flagged vessels or aircraft. The Regulations will also implement OP 8(b) by criminalising the procurement of the items referred to in OP 8(a)(i) and (ii) from the DPRK by Singapore nationals or using Singapore flagged vessels or aircraft. Criminal penalties will be imposed for the breach of OP 8(c) by any persons or entities in Singapore or Singapore nationals outside Singapore. The Regulation will also impose an asset freeze on all relevant assets covered under OP 8(d), other than assets in the hands of financial institutions, once the List of persons or entities subject to OP 8(d) has been issued by the Committee. Assets in the possession of financial institutions will be frozen pursuant to Regulations made under the MAS Act - see next section.

**Monetary Authority of Singapore Act**

13 Under section 27A of the Monetary Authority of Singapore Act, the Monetary Authority of Singapore may issue MAS Regulations to request financial institutions to comply with Singapore's obligations under the United Nations Security Council Resolutions. Therefore, any persons or entities that are blacklisted by the UNSC will be treated as such for the purposes of asset freezing and other related measures. Any financial institution found to be in breach of the MAS Regulation will be guilty of an offence and be liable on conviction to a fine.

14 Specifically, section 27A of the Monetary Authority of Singapore Act allows Singapore to implement the asset freezing measures in OP 8(d) once the Security Council Committee established pursuant to the Resolution issues the list of designated persons or entities.

**Merchant Shipping Act**

15 Under section 43 of the Merchant Shipping Act, the Maritime Port Authority of Singapore may close the registry of a Singapore ship and cancel its certificate of registry. This statutory provision may be invoked in appropriate cases to enforce the relevant portions of Security Council Resolution 1718. In order to inform and remind our shipowners of Singapore registered ships to observe the sanctions, the Maritime and Port Authority of Singapore has issued a Shipping Circular for their compliance.

**Immigration Act**

16 The Immigration Act sets the legal boundaries for the movement of persons into and out of Singapore. Under Section 7 of the Immigration Act, no one has an automatic right of entry into Singapore apart from Singapore citizens. Under Section 6, foreign visitors to Singapore have to be issued with a valid pass before they are allowed entry. As part of the entry procedures, they are screened against the Immigration & Checkpoint Authority's blacklist database during entry clearance. Persons so designated by the Committee established under the Resolution or by the Security Council can be denied entry and returned to their last port of embarkation in accordance with international practice.

**International cooperation**

17 In addition to the legislation described above, Singapore is also an active participant in various multilateral operational arrangements that enhance its efforts to counter any possible proliferation of weapons of mass destruction, thereby complementing our efforts to undertake cooperative actions under OP 8(f) of

Resolution 1718. The first is the Container Security Initiative (CSI) which was designed to protect containerised shipping from exploitation for weapons of mass destruction trafficking. Singapore was the first Asian country to sign the Declaration of Principles for CSI with the United States on 20 September 2002. Under CSI, containers destined for ports in the United States may be selected for checks in Singapore ports using the Vehicle and Cargo Inspection System for weapons of mass destruction. As part of the CSI effort, Singapore has introduced new equipment like radiographic scanners into two of our port terminals. Its port authorities also organised several dialogue sessions involving major shippers, shipping lines, logistics companies and the United States Customs Service to discuss CSI and related initiatives. CSI screening commenced on 17 March 2003.

18 The second is the Proliferation Security Initiative (PSI), a multinational initiative aimed at preventing the proliferation of WMDs, their delivery systems, and related materials at sea, in the air or on land, in a manner consistent with national legal authorities and relevant international laws and frameworks. Singapore joined the PSI Operational Experts Group (OEG) in December 2003. Since then, Singapore has participated actively in PSI plenary and OEG meetings, as well as in various PSI exercises. Singapore also hosted a PSI maritime interdiction exercise in August 2005 and an OEG meeting in July 2006. Singapore's participation in PSI is overseen by an inter-ministry committee chaired by the Ministry of Foreign Affairs, and comprising the Ministries of Defence, Home Affairs, Trade & Industry, and Transport, as well as the Attorney-General's Chambers and Singapore Customs.

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## Note verbale dated 13 November 2006 from the Permanent Mission of Japan to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Japan to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to submit to the Council a report pursuant to operative paragraph 11 of the said resolution (see annex).

06-63663 (E) 081206

**Annex to the note verbale dated 13 November 2006 from the Permanent Mission of Japan to the United Nations addressed to the Chairman of the Committee**

Report to the Security Council with regard to the implementation of paragraph 8 of United Nations Security Council Resolution 1718 (2006)

1. Japan's Basic Position

The position of Japan on the claimed nuclear test by the DPRK is clearly expressed in the statement by H.E. Mr. Shinzo Abe, Prime Minister, of 9 October 2006. In his remarks, the Prime Minister stressed that the announcement of a nuclear test by the DPRK constituted a grave threat to the peace and security of neighboring countries, including Japan, and of the international community as a whole, beyond the Northeast Asian region and it would not be tolerated at all. As described below, The Government of Japan has established and is vigorously undertaking necessary measures to implement United Nations Security Council resolution 1718 (2006).

The resolution is very significant, insofar as it sends out a strong message on behalf of the international community condemning the claimed nuclear test by the DPRK and stipulates measures to be taken by the DPRK and other Member States of the United Nations. Ensuring its early and full implementation is extremely important. In this context, Japan stresses the importance for Member States to coordinate their measures as much as possible to ensure the effective implementation of the resolution and is prepared to cooperate with other Member States to this end. Japan also intends to cooperate closely with the Committee of the Security Council established pursuant to paragraph 12 of the resolution 1718 and to contribute to the Committee's work by providing constructive support.

2. Recent measures taken by the Government of Japan with regard to the DPRK

The Government of Japan has taken measures as outlined below,

in response to the DPRK's actions including the recent missile launches and the claimed nuclear test as well as its inaction regarding cases of abductions of Japanese nationals. The Government of Japan has already fulfilled most of the requirements of paragraph 8 of the resolution 1718 through these measures including implementation of United Nations Security Council resolution 1695 as outlined below.

(1) Announced on July 5, 2006

- Ban on entry into Japanese ports by DPRK-flagged cargo-passenger ship *Man Gyong Bong 92*
- Ban, in principle, on entry by DPRK officials into Japan
- Ban, in principle, on visits by GoJ officials to the DPRK
- Ban on chartered flights between Japan and the DPRK

(2) Announced on September 19, 2006

- Prevention of the transfer of financial resources to or by fifteen entities and one individual considered to be involved in DPRK's WMD and missile programs, in order to implement measures required under the United Nations Security Council resolution 1695

(1) Kohas AG
(2) Korea International Chemical Joint Venture Company
(3) Korea Kwangsong Trading Corporation
(4) Korea Complex Equipment Import Corporation
(5) Korea Tonghae Shipping Company
(6) Korea Pugang Trading Corporation
(7) Korea Mining Development Trading Corporation (KOMID)
(8) Korea Ryonha Machinery Joint Venture Corporation
(9) Korea Ryonbong General Corporation (KRGC)
(10) Korea Ryongwang Trading Corporation
(11) Tanchon Commercial Bank
(12) Tosong Technology Trading Corporation
(13) Pyongyang Informatics Centre
(14) Hesong Trading Corporation
(15) Ponghwa Hospital
(16) Jakob Steiger

(3) Announced on October 11, 2006

- Ban on entry into Japanese ports by all DPRK flagged vessels
- Ban on all imports from the DPRK and payments for imports from the DPRK
- Ban, in principle, on entry by all DPRK people into Japan

3. Measures with regard to paragraph 8 of resolution 1718

The measures taken by the Government of Japan with regard to paragraph 8 of the resolution 1718, based on the work of the Committee to date, are as follows:

3-1 Paragraph 8 (a)

The Government of Japan has taken, in accordance with the Foreign Exchange and Foreign Trade Law (Law No. 228 of 1948), and regulations established under said law, the Law such as the Export Trade Control Order (Cabinet Order No. 378 of 1949) (for goods) and the Foreign Exchange Order (Cabinet Order No. 260 of 1980) (for technologies), the necessary measures to prevent the transfer of all items covered in paragraph 8, subparagraphs (a) (i) and (a) (ii) to the DPRK.

Under these measures, exportation to the DPRK of all items covered in paragraph 8, subparagraphs (a) (i) and (a) (ii) is subject to licensing by the Minister for Economy, Trade and Industry. Such licenses will not be granted.

With regard to luxury goods, the Government of Japan has amended the Export Trade Control Order in order to place the export of luxury goods to the DPRK under the Government's export control regime. The list of the luxury goods is attached as the Annex to this report.

3-2 Paragraph 8 (b)

The Government of Japan has taken, in accordance with the Foreign Exchange and Foreign Trade Law, necessary measures to prohibit the procurement from the DPRK of items covered in paragraph 8, subparagraphs (a) (i) and (a) (ii) of the resolution.

Under these measures, importation of all items covered in paragraph 8, subparagraphs (a) (i) and (a) (ii) from the DPRK are subject to approval by the Minister for Economy, Trade and Industry. Intermediary trade transactions of goods originating from or loaded in the DPRK also are subject to licensing by the Minister for Economy, Trade and Industry. Such approval and licenses will not be granted.

3-3 Paragraph 8 (c)

The Government of Japan has taken, in accordance with the Foreign Exchange and Foreign Trade Law, necessary measures to prevent service transactions to the DPRK related to the items in paragraph 8, subparagraphs (a) (i) and (a) (ii) of the resolution.

Under these measures, service transactions related to controlled goods to the DPRK are subject to licensing by the Minister for Economy, Trade and Industry. Such licenses will not be granted.

3-4 Paragraph 8 (d)

The Government of Japan has already taken necessary measures to prevent the transfer of financial resources to or by the fifteen entities and one individual considered to be involved in DPRK's WMD and missile programs in accordance with the United Nations Security Council resolution 1695. At the time of this report, the Committee has yet to designate the persons or entities in accordance with paragraph 8 (d) of the resolution 1718. The Government of Japan is prepared to extend, upon such designation and in accordance with the Foreign Exchange and Foreign Trade Law, the scope of the prevention measures to the

persons or entities designated by the Committee.

3-5 Paragraph 8 (e)

At the time of this report, the Committee has yet to designate the persons or entities in accordance with paragraph 8 (e) of the resolution. The Government of Japan is prepared to take, upon such designation and in accordance with the Immigration Control and Refugee Recognition Act, appropriate measures to prevent the entry into or transit through its territory of the persons designated by the Committee.

In addition to the above, all DPRK's people, in principle, are not permitted to enter into Japan.

3-6 Paragraph 8 (f)

The competent authorities of the Government of Japan have taken, in accordance with their own authorities and relevant legislation, necessary measures to take cooperative action, including through inspection of cargo, in order to ensure the compliance with the requirements of paragraph 8 of the resolution.

The Government of Japan will consider further measures for cooperative action as appropriate in close coordination with other Member States.

ANNEX

List of the Luxury Goods

The luxury goods as outlined below had been included in the Government's export control regime through the Export Trade Control Order (Cabinet Order No. 378 of 1949) in order to implement the requirements of paragraph 8, subparagraph (a) (iii) of the regulation 1718. For details, please refer to the Export Trade Control Order and relevant notices issued by the Minister for Economy, Trade and Industry.

1. Beef
2. Fillets of tunas
3. Caviar and caviar substitutes
4. Alcoholic beverages
5. Tobacco
6. Perfumes
7. Makeup
8. Leather bags, clothes and others
9. Fur skins and artificial fur manufactures
10. Carpets
11. Drinking glasses of lead crystal
12. Jewelry
13. Precious metals
14. Precious metalwork
15. Portable information devices
16. Audio-visual instruments and software
17. Motor Cars
18. Motor cycles
19. Motorboats, yachts and others
20. Camera and cinematographic instruments
21. Wrist-watches and other watches
22. Musical instruments
23. Fountain pens
24. Works of art, collectors' pieces and antiques

United Nations S/AC.49/2006/11

# Security Council

Distr.: General
30 November 2006

Original: English

**Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea**

## Letter dated 13 November 2006 from the Permanent Representative of the United States of America to the United Nations addressed to the Chairman of the Committee

The United States Mission has the honour to attach its report pursuant to paragraph 11 of resolution 1718 (2006) on the steps taken by the Government of the United States to implement paragraph 8 of the above-mentioned resolution (see annex).

(*Signed*) John R. **Bolton**
Ambassador

06-63657 (E) 081206

**Annex to the letter dated 13 November 2006 from the Permanent Representative of the United States of America to the United Nations addressed to the Chairman of the Committee**

## United States 30 Day Report for the United Nations Security Council

## Efforts Toward Implementing UNSCR 1718

The United States believes it is essential that Member States fully and effectively implement their obligations under UNSCR 1718. The United States is considering a range of measures to implement UNSCR 1718. This includes application of further trade and assistance restrictions, where appropriate, and working with other states to prevent trade prohibited by the resolution.

For example, the U.S. is also currently in the process of reviewing implementation of three sanctions that are triggered when the President or Secretary of State determines that a non-nuclear weapon state has detonated a nuclear weapon. These sanctions are spelled out in the Arms Export Control Act, the Atomic Energy Act, and the Export-Import Bank Act. The Arms Export Control Act provisions require a wide range of economic measures against sanctioned countries, with exceptions for humanitarian and food exports. The Atomic Energy Act sanctions specifically bar nuclear-related exports and the relevant Export Import Bank Act provision would prohibit Bank support for U.S. exports to sanctioned countries.

Following the structure of Operative Paragraph 8 of UNSCR 1718, U.S. actions to date are as follows:

***Paragraph 8(a):*** *All Member States shall prevent the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of:*

***Paragraph 8(a)(i):*** *Any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register on Conventional Arms, or related materiel including spare parts, or items as determined by the Security Council or the Committee;*

The United States does not permit the export to North Korea of any items on the U.S. Munitions List. The United States also does not approve the export and re-export to North Korea of any dual-use item covered by Paragraph 8(a)(i) of UNSCR 1718 that is included on the U.S. Commerce Control List. In general, U.S. export control restrictions include, but are far broader in scope than, the items listed in UNSCR 1718, subparagraph 8(a)(i).

The U.S. Munitions List can be found at the following website:
http://www.access.gpo.gov/nara/cfr/waisidx_01/22cfr121_01.html

The Commerce Control List can be found at the following website:
http://www.access.gpo.gov/bis/ear/ear_data.html#ccl

The United States also works with like-minded countries, including through the Wassenaar Arrangement, to prevent the transfer to or from North Korea of conventional arms, and transfers to North Korea of related dual-use technologies that could contribute to their conventional

weapons programs as well as to the development, production, or delivery of Weapons of Mass Destruction and their delivery systems. The United States continues to monitor and assess reports of possible munitions and dual-use technology transfers to and from North Korea.

***Paragraph 8(a)(ii):*** *All items, materials, equipment, goods and technology as set out in the lists in documents S/2006/814 and S/2006/815, unless within 14 days of adoption of this resolution the Committee has amended or completed their provisions also taking into account the list in document S/2006/816, as well as other items, materials, equipment, goods and technology, determined by the Security Council or the Committee, which could contribute to DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes,*

*S/2006/814: Nuclear Material, Equipment and Technology; and Nuclear-related Dual-use Equipment, Materials, Software and Related Technology*

The United States does not permit the export to North Korea of any items that could contribute to North Korea's nuclear programs. This includes all of the items specifically listed in UN document S/2006/814. The United States also works with like-minded countries, including through the Nuclear Suppliers Group, the Zangger Committee, the Proliferation Security Initiative, and through outreach programs to non-member countries, to prevent the transfer of nuclear and nuclear-related equipment, materials, software and related technology to or from North Korea that could contribute to the development, production, or delivery of nuclear weapons.

*S/2006/815: Missile Technology, Equipment, and Software*

The United States does not permit the export to North Korea of any items that could contribute to North Korea's missile programs. This includes all of the items specifically listed in UN document S/2006/815. The United States also works with like-minded countries, including through the Missile Technology Control Regime and the Proliferation Security Initiative to prevent the transfer of missile-related materials to or from North Korea that could contribute to the development or production of missiles.

*S/2006/853: Chemical Weapons Precursors, Dual-Use Chemical Manufacturing Facilities and Equipment and Related Technology, Dual-Use Biological Equipment and Related Technology, Biological Agents, Plant Pathogens, and Animal Pathogens*

All items on the dual-use chemical and biological list, as agreed in S/2006/853, require a license from the U.S. Department of Commerce for export or re-export to North Korea. Applications for export and re-export to all end users in North Korea of the items contained on this list are subject to a policy of denial. The United States also works with like-minded countries, including through the Australia Group and the Proliferation Security Initiative, to prevent the transfer of chemical- or biological-related materials to or from North Korea that could contribute to the development, production, or delivery of chemical or biological weapons.

It is also important to note that the United States controls more items than those contained in S/2006/853. The United States believes these additional items pose a significant proliferation risk and has proposed to the Committee to include them among the chemical and biological items controlled for transfer to or from North Korea.

***Paragraph 8(a)(iii) Luxury goods;***

The United States is working on new controls intended to prevent the export of luxury goods to North Korea. We have also developed a provisional list (attached to this report) of items we consider to be luxury goods. The list is illustrative and not intended to be all inclusive.

***Paragraph 8 (b): The DPRK shall cease the export of all items covered in subparagraphs (a) (i) and (a) (ii) above and all Member States shall prohibit the procurement of such items from the DPRK by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of the DPRK;***

Goods of North Korean origin may not be imported into the United States either directly or through third countries, without prior notification to and approval of the Office of Foreign Assets Control. In February 2006, President Bush reconfirmed that North Korean-flagged vessels are prohibited from entering U.S. ports. On April 6 2006, the U.S. Treasury Department's Office of Foreign Assets Control published an amendment to the Foreign Assets Control Regulations to prohibit U.S. persons from owning, leasing, operating, or insuring North Korean flagged vessels. The amendment went into effect on May 8, 2006. The United States has no air services agreement with North Korea, and there are no flights by U.S. airlines to North Korea or flights by the North Korean airline to the United States.

***Paragraph 8 (c): All Member States shall prevent any transfers to the DPRK by their nationals or from their territories, or from the DPRK by its nationals or from its territory, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items in subparagraphs (a) (i) and (a) (ii) above;***

U.S. restrictions on transfers of lethal military equipment, nuclear-related items, missile-related items, and chemical-biological items to North Korea include restrictions on providing related software, technology, assistance, training, advice or services. The United States works with like-minded countries, including through the Wassenaar Arrangement, the Nuclear Suppliers Group, the Zangger Committee, the Missile Technology Control Regime, the Proliferation Security Initiative, and through outreach programs to non-member countries, to prevent transfers to North Korea of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items in subparagraphs (a) (i) and (a) (ii) of operative paragraph 8 of UNSCR 1718.

***Paragraph 8(d): All Member States shall, in accordance with their respective legal processes, freeze immediately the funds, other financial assets and economic resources which are on their territories at the date of the adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons or entities designated by the Committee or by the Security Council as being engaged in or providing support for, including through other illicit means, DPRK's nuclear-related, other weapons of mass destruction-related and ballistic missile-***

*related programmes, or by persons or entities acting on their behalf or at their direction, and ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of such persons or entities;*

The United States is currently reviewing possible candidates for submission to the Committee pursuant to paragraph 8(d) of UNSCR 1718.

In June 2005, the President signed Executive Order 13382 (Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters). The Order allows the United States to block or "freeze" the property and assets, subject to U.S. jurisdiction, of weapons of mass destruction (WMD) proliferators and their supporters. Persons that are designated under the Order are denied access to the U.S. financial and commercial systems, and U.S. persons, wherever located, are prohibited from engaging in transactions with them. This national authority will allow the United States to implement effectively the provisions set forth in 8(d) of UNSCR 1718.

The United States has designated 12 entities and one individual under Executive Order 13382 for DPRK proliferation activities. These entities and one individual can be found at the following website: http://www.ustreas.gov/offices/enforcement/ofac/programs/wmd/wmd.pdf. The United States intends to propose to the Committee that these same 12 entities and one individual be considered for designation and be subject to the measures in subparagraphs 8(d) of UNSCR 1718.

***Paragraph 8(e):** All Member States shall take the necessary steps to prevent the entry into or transit through their territories of the persons designated by the Committee or by the Security Council as being responsible for, including through supporting or promoting, DPRK policies in relation to the DPRK's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, together with their family members, provided that nothing in this paragraph shall oblige a state to refuse its own nationals entry into its territory;*

The United States intends to propose that the Committee consider the individual previously designated under E.O. 13382 for designation pursuant to subparagraph 8(e) of UNSCR 1718.

***Paragraph 8(f):** In order to ensure compliance with the requirements of this paragraph, and thereby preventing illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials, all Member States are called upon to take, in accordance with their national authorities and legislation, and consistent with international law, cooperative action including through inspection of cargo to and from the DPRK, as necessary;*

The United States cooperates closely with allied and partner states to scrutinize closely North Korean exports and imports, in accordance with domestic law and international legal frameworks, that pass through their ports, airports, on their flagged ships, and border crossings, and takes appropriate steps to prevent the transfer of items prohibited by the resolution. The United States emphasizes that these actions are not intended to implement a blockade or embargo on North Korea. The United States anticipates inspections will take place in territorial waters,

ports, airfields, and other border crossings and generally be conducted by state-sanctioned local officials such as customs authorities, coast guards, and navies.

U.S. efforts to take cooperative action to prevent the trafficking in nuclear, chemical, or biological weapons, their means of delivery, and related materials by North Korea and other proliferant states are embodied in the Proliferation Security Initiative (PSI). The PSI is an international counterproliferation effort aimed at preventing and disrupting shipments of weapons of mass destruction, their delivery systems, and related materials flowing to or from states or non-State actors of proliferation concern. On September 4, 2003, PSI partners agreed on and published the PSI "Statement of Interdiction Principles" (SOP), which identifies steps necessary for effective interdiction efforts. The U.S. website for PSI is: http://www.state.gov/t/np/c10390.htm. The SOP stresses that actions taken are consistent with national legal authorities and relevant international law and frameworks. The United States encourages all responsible states to endorse the PSI and be willing to assist in interdiction activities. The United States, in partnership with many PSI nations, has implemented a series of PSI training exercises through which states that have endorsed PSI will continue to enhance their operational interdiction capabilities. These exercises continue to raise the awareness of the steps that are necessary for successful interdictions, focus on improving communications, and forge closer relationships with our PSI partners.

The United States has concluded bilateral maritime boarding agreements with six key flag states in support of the PSI: Liberia, Panama, the Marshall Islands, Cyprus, Belize, and Croatia. These agreements will facilitate consent to board vessels suspected of carrying cargo banned under UNSCR 1718.

A new international legal tool that would also support PSI and maritime interdictions of WMD was adopted on October 14, 2005 at a Diplomatic Conference of the International Maritime Organization (IMO) in London. States Parties to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA) approved Protocols containing several nonproliferation amendments to the SUA. The Protocols requires States Parties to criminalize under their domestic laws certain acts, including using a ship in terrorist activity, transporting WMD, their delivery systems and related equipment, materials or software or related technology that significantly contributes to the design, manufacture or delivery of a nuclear, biological or chemical weapon. These amendments will strengthen the international legal basis for maritime interdiction of shipments destined for WMD programs. The recently amended SUA also includes a new ship boarding regime based on flag state consent that establishes a comprehensive set of procedures and protections designed to facilitate the boarding of a vessel that is suspected of being involved in a SUA offense. The Protocol to the SUA Convention containing the new nonproliferation, counterterrorism and ship boarding provisions was opened for signature on February 14, 2006, but has not yet entered force. The United States signed the Protocol, but has not yet ratified it.

# U.S. Luxury Items List (Provisional)

**This list is a baseline description of luxury goods the U.S. is considering controlling pursuant to UNSCR 1718. Goods may be added to this list taking into account national discretion on what constitutes a luxury good.**

- **Tobacco and Tobacco Products**
- **Luxury Watches**
  - Wrist, pocket, and other with a case made of precious metal or of metal clad with precious metal
- **Apparel and Fashion Items**
  - Leather articles
  - Silk articles
  - Fur skins and artificial furs
  - Fashion accessories: leather travel goods, vanity cases, binocular and camera cases, handbags, wallets, designer fountain pens, silk scarves
  - Cosmetics, including beauty and make-up
  - Perfumes and toilet waters
  - Designer clothing: leather apparel and clothing accessories
- **Decorative Items**
  - Rugs and tapestries
  - Tableware of porcelain or bone china
  - Items of lead crystal
  - Works of art (including paintings, original sculptures and statuary), antiques (more than 100 years olds), and collectible items, including rare coins and stamps
- **Jewelry**
  - Jewelry with pearls, gems, precious and semi-precious stones (including diamonds, sapphires, rubies and emeralds), jewelry of precious metal or of metal clad with precious metal
- **Gems and Precious Metals**
  - Gold, silver, platinum, diamonds, precious and semi-precious stones (including sapphires, rubies and emeralds)
- **Electronic Items**

- Flat-screen, plasma or LCD panel televisions or other video monitors or receivers (including high-definition televisions), and any television larger than 29 inches; DVD players
- PDAs
- Personal digital music players
- *Computer laptops

- **Transportation Items**

  - Yachts and other aquatic recreational vehicles (such as jet skies)
  - *Luxury automobiles (and motor vehicles): automobiles and other motor vehicles to transport people (other than public transport) including station wagons
  - Racing cars, snowmobiles, and motorcycles
  - Personal transportation devices (Segways)

- **Recreational Items**

  - Musical instruments
  - Recreational and sports equipment

- **Alcoholic Beverages:** Wine, beer, ales, and liquor

* Categories of items with an asterisk will be exempted from the general denial if they are being imported by legitimate organizations involved in humanitarian relief efforts, other internationally sanctioned efforts, or items in the interest of the United States Government.

United Nations S/AC.49/2006/12

# Security Council

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**Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea**

## Note verbale dated 13 November 2006 from the Permanent Mission of France to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of France to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea and has the honour to transmit to him herewith the report of France on its implementation of that resolution (see annex).

06-63651 (E) 071206 081206

## Annex to the note verbale dated 13 November 2006 from the Permanent Mission of France to the United Nations addressed to the Chairman of the Committee

## Report of France to the Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

In article 11 of its resolution 1718 (2006) of 14 October 2006, the Security Council "calls upon all Member States to report to the Security Council within thirty days of the adoption of this resolution on the steps they have taken with a view to implementing effectively the provisions of paragraph 8 above".

In accordance with those provisions, France wishes to bring the following information to the attention of the Security Council Committee established pursuant to Security Council resolution 1718 (2006) on the measures taken in order to ensure the full implementation of the resolution.

### 1. Implementation of resolution 1718 (2006) at the level of the European Union

On 20 November 2006, the Council of the European Union adopted Common Position 2006/795/CFSP concerning restrictive measures against the Democratic People's Republic of Korea.

The current version of the Common Position provides for implementation of the provisions of resolution 1718 (2006) at the level of the European Union and envisages:

- an embargo on sensitive goods and related services or financing;
- prohibition of the supply of luxury goods;
- measures restricting the movement of officials of the regime on the territory of States members of the European Union;
- measures to freeze financial assets;
- cooperative action by member States in order to prevent illicit trafficking in weapons of mass destruction, their means of delivery and related materials and technology.

The Council of the European Union is drawing up a regulation governing certain provisions of the Common Position that fall within the competence of the European Community. Legally, European Community regulations are directly applicable (they are enforceable against nationals of States members of the European Union from the time of their publication in the Official Journal of the European Communities, and therefore do not require any additional measures for implementation at the national level).

2. **Embargo on battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purposes of the United Nations Register of Conventional Arms, or related materiel**

The export from France of war materiel is strictly controlled on the basis, inter alia, of Decree-Law No. 18 of 18 April 1939 establishing regulations governing war materiel, arms and munitions. The Decree-Law provides for the prohibition of such exports. Export licences, which constitute an exception to that provision, may be issued only on completion of inter-ministerial review procedure.

On the basis of that procedure and of applicable national and international regulations (including Security Council resolution 1718 (2006) and the European Union Code of Conduct on Arms Exports), the Inter-Ministerial Commission for the Study of War Materiel Exports now rejects all applications for approval of negotiations for the sale of, or sale of, war materiel to the Democratic People's Republic of Korea.

The Council of the European Union will shortly adopt a regulation prohibiting all exports, from States members of the European Union, of any of the goods listed in paragraph 8 (a) (i) of Security Council resolution 1718 (2006) and such goods relating to conventional arms as may be listed by the Sanctions Committee.

3. **Embargo on items, materials, equipment, goods and technology which could contribute to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes**

The export from France of nuclear, chemical or biological dual-use goods or of products listed under category II of the Missile Technology Control Regime (MTCR) is subject to a regime for the control of exports in accordance with amended Council Regulation (EC) No. 1334/2000, which is supplemented at the national level by Decree No. 2001-1192 of 13 December 2001 relating to the control of exports, imports and the transfer of dual-use goods and technology.

Re-exports of dual-use items which have the status of non-Community goods likewise require authorization. Thus, non-Community goods imported into the territory of the European Community require authorization for re-export, whether they are re-exported as is or as a component of a larger unit.

All French Government agencies responsible for export control have been instructed regarding Security Council resolution 1718 (2006). Accordingly, licences for the export of dual-use chemical or biological items, equipment, goods or technology to the Democratic People's Republic of Korea may not be issued.

The Council of the European Union is shortly to adopt a regulation to prohibit all exports from States members of the European Union of any of the goods listed in paragraph 8 (a) (ii) of Security Council resolution 1718 (2006) and such items as may be listed by the Committee.

4. **Embargo on luxury items**

France supports the issue, by the Security Council Committee established pursuant to Security Council resolution 1718 (2006), of directives establishing the

range of products subject to this embargo. Until such time as those directives are issued, the French Government agencies concerned have begun consultations with other States members of the European Union and the Commission of the European Communities with a view to the establishment of a list of items that may be subject to the embargo.

**5. Prohibition of all transfers of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items, materials, equipment, goods and technology which could contribute to nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes**

The transfer to or from the Democratic People's Republic of Korea, by French nationals or from French territory, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of items which could contribute to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes, is strictly monitored.

In addition, in order to prevent the transfer of knowledge or expertise that could be used in connection with proliferation programmes, Ministerial Instruction No. 486 of 1 March 1993 requires all heads of institutions that are subject to a strict security regime or controlled access to seek authorization from the senior clearance officer of the relevant ministry in order to admit a visitor or trainee who is not a national of the European Union. Authorizations shall not be granted to nationals of the Democratic People's Republic of Korea.

The Council of the European Union is soon to adopt a regulation aimed at prohibiting all transfers of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of weapons or of items, materials, equipment, goods and technology which could contribute to ballistic missile-related, nuclear-related or other weapons of mass destruction-related programmes.

**6. Freezing of financial assets and economic resources and prohibition of financing**

The Council of the European Union will shortly adopt a regulation providing for a legal instrument which may be directly applied to the freezing of financial assets of persons and entities identified by the Committee and to preventing funds, financial assets or economic resources from being made available to such persons or entities. It will apply, with immediate effect, to persons or entities designated by the Committee or by the Security Council for that purpose.

**7. Denial of entry into French territory**

Since the announcement of the nuclear test carried out on 9 October 2006, France has severely restricted access of nationals of the Democratic People's Republic of Korea to its territory. Bilateral talks scheduled for October and November 2006 were cancelled. In addition, visa applications submitted on behalf of high-level officials of the State or Party are being examined on a case-by-case basis, and are granted only exceptionally. France will continue to apply these measures until the authorities of the Democratic People's Republic of Korea make a significant step towards satisfying the concerns of the international community.

**8. Inspection of cargo transported to or from the Democratic People's Republic of Korea**

Special control measures applicable to commercial shipments from and to the Democratic People's Republic of Korea have been implemented by the customs authorities, and selection criteria have been defined:

- The measures apply to exports to the Democratic People's Republic of Korea of war materiel (see section 2 above) and goods that could be used in programmes relating to ballistic missiles or nuclear or other weapons of mass destruction (section 3 above), and to imports of arms, munitions and war materiel;
- In addition to these measures, a monitoring mechanism has been set up to prevent the trafficking of such shipments by sea to or from the Democratic People's Republic of Korea.

In application of these measures, the customs authorities, inter alia, inspected goods on a vessel belonging to the Democratic People's Republic of Korea which docked at Mayotte on 13 November 2006.

United Nations S/AC.49/2006/13

# Security Council

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**Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea**

## Note verbale dated 13 November 2006 from the Permanent Mission of the Russian Federation to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Russian Federation to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006), and has the honour to enclose herewith the interim report on the steps taken by the Russian Federation to implement the above-mentioned resolution (see annex).

06-63645 (E) 071206 081206

## Annex to the note verbale dated 13 November 2006 from the Permanent Mission of the Russian Federation to the United Nations addressed to the Chairman of the Committee

[Original: Russian]

## Interim report of the Russian Federation on measures to implement United Nations Security Council resolution 1718 (2006)

The Russian Federation intends conscientiously to implement Security Council resolution 1718 of 14 October 2006. As a permanent member of the Council and a member of the Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea, the Russian Federation has taken part in compiling the lists of items, materials, equipment, goods and technology whose supply to the DPRK is prohibited under paragraph 8 of Security Council resolution 1718 (2006). We are ready to contribute to further work to amend and add to the lists referred to in paragraph 8, and to promulgate guidelines on other aspects of the work of the Security Council Committee established pursuant to resolution 1718 (2006).

The Russian Ministry of Foreign Affairs has prepared a draft decree of the President of the Russian Federation in pursuance of the resolution, which is being coordinated with other interested departments of the Russian Federation. At the same time, the Committee's ongoing work to agree on the aforementioned lists and guidelines and on the translation of these documents into the official languages of the United Nations is affecting the timely adoption of measures to implement Security Council resolution 1718 (2006) at the national level. Also, we consider that the main objective of Security Council resolution 1718 (2006) is not the punishment of the DPRK but rather a political resolution of the issue of that country's nuclear programme. In this connection, we welcome the DPRK's decision to return to the Six-Party Talks and expect that that will lead to a settlement of this problem.

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## Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

### Note verbale dated 14 November 2006 from the Permanent Mission of the Slovak Republic to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Slovak Republic to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006), and has the honour to inform about the steps taken by the Government of the Slovak Republic to ensure the implementation of relevant provisions of the above-mentioned resolution.

The Slovak Republic, as a member State of the European Union (EU), has been taking part in the preparation of the European Union's legal instruments implementing the provisions of resolution 1718 (2006) in full. Information in that regard was conveyed to the Security Council by the presidency of the European Union on 13 November 2006.

After the adoption of the relevant European Union Council regulation, all legal instruments will be automatically applied to Slovak national legislation.

On the national level, the Slovak Republic, as a member of nearly all multilateral export control regimes, already has in place all the necessary tools to be able to implement the provisions of the above-mentioned resolution on the export of sensitive goods and technology. According to Act Nr. 179/1998 of 15 May 1998 on trading with military equipment, it is prohibited to export military material to countries which are subject to embargoes of the Security Council, the EU or the Organization for Security and Cooperation in Europe.

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## Note verbale dated 14 November 2006 from the Permanent Mission of Hungary to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Hungary to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea and has the honour to provide the information requested pursuant to paragraph 11 of the resolution (see annex).

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## Annex to the note verbale dated 14 November 2006 from the Permanent Mission of Hungary to the United Nations addressed to the Chairman of the Committee

1. Before presenting the measures taken by Hungary at a national level with a view to implementing the provisions of paragraph 8 of UNSCR Resolution 1718(2006), it is worth mentioning that the Republic of Hungary and the other Member States of the European Union have decided to jointly implement the restrictive measures against the DPRK imposed by the Resolution. Discussions are currently taking place in the relevant bodies of the Council of the European Union in order to elaborate the relevant legal instruments, which would form the basis of this joint implementation. It is important to underline that, according to the established practice of the European Union, some of the measures (i.e. restriction of supply and transfer of dual-use items, freezing of funds and economic resources, a ban on export of luxury goods) provided for in the Resolution are likely to be incorporated in a legal instrument (Council Regulation) which is entirely binding and directly applicable in all the Member States of the European Union.

2. Pending the adoption of the above-mentioned legal instruments Hungary has taken the following steps with a view to implementing the provisions of paragraph 8 of Resolution 1718(2006).

a) As far as the ban on export of conventional weapons provided for in Resolution paragraph 8 (a) (i) is concerned:

Hungary has the following national legislation requiring an export/import authorization for the sale, supply, transfer or export of arms and related materiel to third countries and an authorization for the provision of brokering services and other services related to military activities, which provide the basis for enforcement of the arms embargo against the DPRK and the ban on related brokering services:

- **Government Decree No. 16/2004. (II.6.) on the Licensing of the export, import, transfer and transit of military equipment and technical assistance;**
- **Government Decree No. 110/2004. (IV. 28.) on the Cross-border or cross-tariff border trade in goods, services and rights representing material value (in force from 23th December 2005);**
- **Act 109 of 2005 on the Licensing the manufacture of military equipment and the provision of military related technical assistance;**
- **Government Decree No. 301/2005. (XII. 23.) on the special rules applicable on Licensing of the manufacture of military equipment and the provision of military related technical assistance.**

A 3-tier arms trade licensing system with very strict procedural sequence guarantees that all international obligations of the Republic of Hungary, including UN embargoes, are duly respected. The EU Code of Conduct on arms export (adopted on June 8, 1998) and the EU Common Position 2003/468/CFSP[1] on the control of arms brokering are also applied. Government Decree No. 16/2004. (II.6.) listed above prohibits to issue a license if and when approval would be inconsistent with the international obligations of Hungary to enforce UN, OSCE and EU arms embargoes.

b) As far as the ban on export of sensitive dual use goods and technology, provided for in Resolution paragraph 8 a) (ii) is concerned:

Hungary, in her capacity as active member of the Nuclear Suppliers' Group (NSG), the Australia Group (AG), the Missile Technology Control Regime (MTCR), the Zangger Committee (ZC), the Wassenaar Arrangement (WA), is a strong supporter of effective multilateral export control regimes. Control lists of the above regimes are incorporated into and regularly updated in the relevant national regulations. Hungary lends its full support to the aims of the Proliferation Security Initiative (PSI) early on and has taken part in practical exercises organised within that framework. The PSI Statement of Interdiction Principles, agreed at Paris on 4 September 2003, makes clear that all action will be consistent with national legislations and international legal frameworks.

Exports of dual use items and technology are controlled in the European Union at Community level by **Council Regulation 1334/2000/EC (as amended) setting up a Community regime for the control of exports of dual-use items and technology**[2]. The Regulation covers dual use items and technologies falling within the scope of relevant international non-proliferation regimes and export control arrangements including the ones described above and relevant international treaties, such as in particular the Chemical Weapons Convention (CWC). Under EU Law Council Regulation 1334/2000/EC is entirely binding and is directly applicable in Hungary. Article 8 of the Regulation stipulates that when deciding to grant an export authorisation (EU) member states take into account inter alia their obligations under sanctions imposed by a binding resolution of the UN Security Council. To support the full implementation of UNSCR 1718 by EU Member States a new Council Regulation will also contain provisions concerning the ban on export of sensitive dual use goods and technology.

**Hungarian Government Decree on the licensing of foreign trade in dual-use goods and technologies (No. 50/2004)** not only fully implements the provisions of the EC regulation but also sets out domestic procedural rules, including the designation of the competent Hungarian authorities.

[1] Official Journal L 156, 25.6.2003, p. 79–80

[2] Official Journal of the European Union L 159, 30.6.2001, p. 1

The Hungarian Trade Licensing Office (official web-site: www.mkeh.gov.hu) is the export-import licensing authority in Hungary, under the auspices of which two separate divisions issue licenses respectively for the trading of conventional military equipment and technology and for dual-use goods (**Government Decree No. 36/2004 on the Hungarian Trade Licensing Office**).

The Export Control Division of the Licensing Office is entrusted with the licensing of the export and import of dual-use products and technologies.

The Inter-ministerial Committee on Non-Proliferation (ICNP) is responsible for actions to be put into effect so as to comply with Hungary's commitments undertaken in non-proliferation treaties, regimes and various international initiatives. Among its other functions, the ICNP discusses and forms an opinion on non-proliferation related issues and provides guidance on priorities for the work of individual ministries. It reviews and co-ordinates the enforcement and practical implementation of Hungary's international non-proliferation commitments, including the ones that are sanctions related.

Section 287 of the Penal Code penalises all violation of rules and regulations covering the trading of military equipments and services, dual use products and technologies. Reference is made to EC regulation No. 1334/2000 and to the relevant EU list of dual-use items and technologies.

c) As far as inspection of cargo provided for in Resolution paragraph 8 (f) is concerned:

- **the European Community Customs Code, as amended (Council Regulation (EEC) No. 2913/92[3]),**
- **the implementing provisions for the Community Customs Code (Commission Regulation (EEC) No. 2454/1993[4]),** together with
- **Act XIX of 2004 on the Hungarian Customs and Finance Guard,** and
- **Act LXXII of 2004 on the implementation of the Community Customs Code in Hungary**

empower the competent Hungarian agencies and officers alike with executive powers necessary for the effective detection and confiscation of prohibited items.

One of the main tasks of the Hungarian Customs and Finance Guard is the customs control of freight and passenger traffic entering or leaving the state territory and the prevention, detection and investigation of financial and other related crimes which are falling under its competence under the Law on Criminal Procedure. This agency has principal responsibility in preventing import and export of unlicensed and prohibited goods, in investigating criminal acts and in taking appropriate action including the instigation of criminal proceedings against suspects. It has the power to stop and search means of transportation.

All export consignments, passengers (and luggage) on their way to destinations which are affected by sanctions, including in this case the DPRK are subject to detailed customs control to be exercised before the consignment or person leaves the territory of the country via the competent customs office. Should any special circumstance not allow for the necessary customs control to be carried out at that location (e.g. chemicals/radioactive materials are transported), the customs procedure is to be conducted at designated inland customs offices.

d) As regards the freezing of funds and economic resources of persons and entities designated by the Committee of the Security Council and the prohibition of making funds or economic resources available to such persons or entities, provided for in Resolution paragraph 8 (d), with certain exemptions as provided for in UNSCR 1718 (2006), as well as the ban on export of luxury goods, provided for in Resolution paragraph 8 (a) (iii), under the Treaty on the European Union these matters fall within the exclusive competence of the European Community. These measures will therefore be implemented in Hungary on the basis of a Council Regulation which will be adopted soon.

[3] Official Journal L 302, 19.10.1992, p. 1–50
[4] Official Journal L 253, 11.10.1993, p. 1–766

e) As regards restriction on entry and transit provided for in Resolution paragraph 8 (e), the following legislation provide the basis for refusal of admission and denial of requests for a visa by any person designated by the Committee:

- **Act 32 of 1997 on the Border Guards and border guarding;**
- **Act 39 of 2001 on the entry and residence of aliens (Article 32).**

According to the second act, a national entry and stay ban is ordered to prevent the entry of people with respect to whom the Republic of Hungary has undertaken an international legal commitment to enforce a ban on entry and stay. No visa can be issued to people with respect to whom a national ban on entry and stay has been ordered and the Hungarian Border Guards have to prevent their entry.

In addition, **Council Regulation (EC) No 539/2001 of 15 March 2001**[5], which is binding in its entirety and directly applicable in Hungary, being a Member State of the European Union, requires nationals of the DPRK to be in possession of a visa when entering the European Union.

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[5] Official Journal of the European Union L 81, 21.3.2001, p. 1.

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## Note verbale dated 15 November 2006 from the Permanent Mission of New Zealand to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of New Zealand to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006), and has the honour to refer to the Chairman's note dated 1 November 2006. In accordance with paragraph 11 of resolution 1718, the Government of New Zealand is pleased to submit the attached report on the implementation of the resolution (see annex).

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**Annex to the note verbale dated 15 November 2006 from the Permanent Mission of New Zealand to the United Nations addressed to the Chairman of the Committee**

## New Zealand Report on the implementation of sanctions imposed by United Nations Security Council Resolution 1718 (2006)

Under paragraph 11 of the United Nations Security Council Resolution 1718 (UNSCR 1718), member states are called upon to report to the Security Council within thirty days of the adoption of the resolution on the steps they have taken with a view to implementing effectively the provisions of paragraph 8 of the resolution.

New Zealand wishes to inform the Council that it is working to implement the provisions of paragraph 8 of UNSC 1718 through the drafting of sanctions regulations promulgated under the United Nations Act 1946. New Zealand intends to promulgate the Regulations as soon as possible.

**Paragraph 8(a)**:

*All Member States shall prevent the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of:*

*(i) Any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register on Conventional Arms, or related materiel including spare parts, or items as determined by the Security Council or the Committee established by paragraph 12 below (the Committee);*

*(ii) All items, materials, equipment, goods and technology as set out in the lists in documents S/2006/814 and S/2006/815, unless within 14 days of adoption of this resolution the Committee has amended or completed their provisions also taking into account the list in document S/2006/816, as well as other items, materials, equipment, goods and technology, determined by the Security Council or the Committee, which could contribute to DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction related programmes;*

*(iii) Luxury goods*

**8 (a): Embargo on military equipment, items with a nuclear, ballistic or WMD end use and luxury goods**

New Zealand's Regulation will prevent the direct or indirect supply, sale or transfer to the DPRK, through New Zealand's territory, or using New Zealand's flag vessels or aircraft (whether or not originating in their territories) of military equipment and items with a nuclear, ballistic or WMD end use and

luxury goods." New Zealand will work with others to apply a consistent approach to the definition of "luxury goods".

All sanctioned military, WMD and ballistic missile related items are already listed on the New Zealand Strategic Goods List. Items on this list require a permit for **export**, regardless of the destination. Application for export of all sanctioned military, WMD and ballistic missile related items to DPRK will be denied pending the implementation by regulation of provisions of paragraph 8(a)(i) and 8(a)(ii) of UNSCR 1718. Control over the **import** of sanctioned items from DPRK will be covered by the Regulations.

**Paragraph 8(b)**:

*The DPRK shall cease the export of all items covered in subparagraphs (a) (i) and (a) (ii) above and that all Member States shall prohibit the procurement of such items from the DPRK by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of the DPRK.*

**8 (b): Ban on New Zealanders procuring 8 (a) (I) and (II)**

The DPRK is prohibited from exporting goods in 8 (a) (i) and (ii) and New Zealand's Regulation will prohibit New Zealanders from buying these goods from the DPRK or transporting such goods on their flagged vessels or aircraft.

**Paragraph 8(c)**:

*All Member States shall prevent any transfers to the DPRK by their nationals or from their territories, or from the DPRK by its nationals or from its territory, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items in subparagraphs (a) (i) and (a) (ii)above.*

**8 (c): Ban on the provision of services**

New Zealand's Regulations will ban the export of services (technical training, advice, services or assistance) related to these goods to the DPRK. For example, a New Zealander would be banned from providing technical training or emailing a manual related to military or WMD items.

**Paragraph 8(d):**

*All Member States shall, in accordance with their respective legal processes, freeze immediately the funds, other financial assets and economic resources which are on their territories at the date of the adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons or entities designated by the Committee or by the Security Council as being engaged in or providing support for, including through other illicit means, DPRK's nuclear-related, other weapons of mass destruction-related and ballistic missile related programmes, or by persons or entities acting on their behalf or at their direction, and ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of such persons or entities.*

**8 (d): Asset Freeze**

New Zealand's Regulation will freeze assets (funds, economic resources) on New Zealand's territory owned or controlled by persons/entities to be designated by the DPRK Sanctions Committee. It will also prevent New Zealanders from making funds, assets or resources available to these persons or entities. There are some exemptions to this sanction (including payments for legal fees and necessary expenses) and the Regulation will provide for these to be considered by New Zealand on a case by case basis and to be subject to the approval of the Sanctions Committee.

**Paragraph 8(e):**

*All Member States shall take the necessary steps to prevent the entry into or transit through their territories of the persons designated by the Committee or by the Security Council as being responsible for, including through supporting or promoting, DPRK policies in relation to the DPRK's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, together with their family members, provided that nothing in this paragraph shall oblige a state to refuse its own nationals entry into its territory.*

**8 (e): Travel Ban**

New Zealand's Regulation will put in place a travel ban against persons from the DPRK (and their family members) who will be designated by the DPRK Sanctions Committee. The Committee may make exceptions on humanitarian grounds.

The New Zealand Department of Labour has already placed North Korea on the list of countries whose nationals' applications to travel to New Zealand must be scrutinised by the New Zealand Immigration Profiling Group, to ensure that those nationals do not pose a risk to New Zealand's security or international reputation.

Wellington,
15 November 2006

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## Letter dated 13 November 2006 from the Permanent Representative of Finland to the United Nations addressed to the Chairman of the Committee

I have the honour to communicate the following information concerning the implementation in Finland of the United Nations sanctions against the Democratic People's Republic of Korea set out in Security Council resolution 1718 (2006).

This report is in addition to the information provided by the Presidency of the European Union (EU) in its letter dated 13 November 2006.

In its conclusions adopted on 17 October 2006, the Council of the European Union confirmed that the EU will fully implement the provisions of all relevant Security Council resolutions and notably of resolution 1718 (2006), adopted on 14 October 2006, and of resolution 1695 (2006), adopted on 15 July 2006. The Council stated that it would immediately take the necessary steps to that end. The European Union is presently preparing a Common Position and a Regulation concerning restrictive measures against the Democratic People's Republic of Korea with a view to implementing resolution 1718 (2006). The regulation shall be binding in its entirety and directly applicable in all EU member States.

Sanctions and forfeitures for violation of the provisions of a Council sanctions regulation are provided for in chapter 46, sections 1-3, and in chapter 10 of the Finnish Penal Code, respectively. According to chapter 46, sections 1-3 of the Penal Code, a person who violates or attempts to violate a regulatory provision in a sanctions regulation shall be sentenced for a regulation offence to a fine or to imprisonment for at most four years.

The arms embargoes imposed by the Security Council and the EU are implemented at the national level by virtue of the Act on the Export and Transit of Defence Materiel (Act No. 242/1990, as amended by Acts 197/1995, 893/2001, 385/2002, and 900/2002). According to the Act, the export, transit, or brokerage of defence materiel is subject to specific authorization (export and brokerage licence). A licence to export or broker shall not be granted if it jeopardizes Finland's security or is inconsistent with Finland's foreign policy. The General Guidelines for Export, Transit and Brokerage of Defence Materiel, adopted by the Government

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(No. 1000/2002, as amended by Government decision 101/2003), provide that economic sanctions and arms embargoes imposed by the Security Council or the European Union shall be complied with when granting an export licence or licence to the transhipment of defence materiel.

According to section 7 of the Act on the Export and Transit of Defence Materiel, a person who commits an export offence shall be fined or imprisoned for a maximum period of four years.

(*Signed*) Kirsti **Lintonen**
Ambassador
Permanent Representative

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## Note verbale dated 14 November 2006 from the Permanent Mission of Slovenia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Slovenia to the United Nations presents its compliments to the Chairman of the Committee and has the honour to submit the following information.

The Republic of Slovenia fully respects Security Council resolution 1718 (2006), dated 14 October 2006, concerning international measures against the Democratic People's Republic of Korea.

The Republic of Slovenia would like to refer to the letter of the Permanent Representative of Finland to the United Nations dated 13 November 2006, addressed to the Chairman of the Committee, containing information about current discussions among European Union member States on the implementation of resolution 1718 (2006). As a member of the European Union, Slovenia is participating in the decision-making process aimed at the adoption of related Community instruments, notably the future Council of the European Union Common Position and Council Regulation on the implementation of the measures against the Democratic People's Republic of Korea contained in resolution 1718 (2006).

The competent authorities of the Republic of Slovenia are already acting in keeping with the spirit of resolution 1718 (2006), implementing certain measures, i.e. the implementation of the arms embargo, following the European Union Code of Conduct on conventional Arms Exports.

The Republic of Slovenia is ready to submit additional information on its activities related to the implementation of resolution 1718 (2006), if requested by the Committee.

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## Note verbale dated 16 November 2006 from the Permanent Mission of the Marshall Islands to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of the Marshall Islands to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006), and has the honour to submit herewith the report of the Republic of the Marshall Islands pursuant to section 11 of resolution 1718 (2006) (see annex).

06-64231 (E) 271206

**Annex to the note verbale dated 16 November 2006 from the Permanent Mission of the Republic of the Marshall Islands to the United Nations addressed to the Chairman of the Committee**

**Report to the Security Council pursuant to paragraph 11 of resolution 1718 (2006)**

**Operative Paragraph 11:**

"Calls upon all Member States to report to the Security Council within thirty days of the adoption of this resolution on the steps they have taken with a view to implementing effectively the provisions of paragraph 8";

**Implementation:**

On October 25, 2006, the Republic of the Marshall Islands Office of the Maritime Administrator issued Marine Safety Advisory (MSA) No. 32-06 regarding the prohibition of Marshall Islands Flag vessels transporting certain equipment and materials into or out of the Democratic People's Republic of Korea (DPRK). The content of MSA No. 32-06 mirrors the United Nations Security Council Resolution 1718 (2006).

The purpose of this MSA is to bring attention to and inform Regional Marine Safety Offices, Owners, Managers and Non-Governmental Organizations of this important prohibition. For compliance measures, the MSA took effect immediately.

Furthermore, this MSA informed the Regional Marine Safety Officers, Owners, Managers and Non-Governmental Organizations that the list of prohibited items outlined by Resolution 1718 may be amended from time to time by the United Nations Security Council or by an authorized Committee established by Resolution 1718.

**Supplemental Measures:**

In addition to the above, on July 24, 2006, the President of the Marshall Islands issued an Executive Order prohibiting Marshall Islands citizens, nationals and entities, including non-resident entities, from owning, leasing, operating or insuring any vessel flagged by the DPRK.

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## Note verbale dated 16 November 2006 from the Permanent Mission of Belarus to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Belarus to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1718 (2006) and, in accordance with paragraph 11 of the resolution, has the honour to convey the following.

The Ministry of Foreign Affairs of the Republic of Belarus promptly informed all relevant national authorities about the measures that shall be taken in accordance with subparagraphs (a) (i), (a) (ii), (a) (iii), (b), (c) and (f) of paragraph 8 of resolution 1718 (2006).

The lists of conventional arms, as defined for the purpose of the United Nations Register on Conventional Arms, as well as the lists of items, materials, equipment, goods and technology, determined by the Security Council Committee established pursuant to resolution 1718 (2006), that could contribute to nuclear-related programmes or programmes related to ballistic missiles or other weapons of mass destruction are incorporated into the national export controls legislation.

The Belarussian side is ready to take the necessary measures to ensure proper implementation of subparagraphs (d) and (e) of paragraph 8 of the resolution upon receiving the relevant lists of persons or entities from the Security Council or the sanctions Committee.

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